

Lynchburg Police Department

Use Of Force Report

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
03/11/2021	03/11/2021	13:07
Record ID Number	CC Number	IA No
1821	2021003502	UOF2021-0022
Date/Time Entered	Entered By	
03/11/2021 14:38	Lieutenant Brian Smith - 703	
Lynchburg BlueTeam NextGen Assigned Investigator	IAPro Assigned Investigator	
Lieutenant Lucas Bryan - 1171	Lieutenant Lucas Bryan	

Incident Summary

SUMMARY:

LPD units were dispatched to the area of 1927 Grace Street because Calvin Lee Wesley Sr was observed there and had an active warrant for his arrest for Domestic A&B. After arriving on scene, officers attempted to place him in custody and Wesley struggled against their attempts to place him in custody. During this struggle Officer Reed deployed his K9 partner Knox and after biting Wesley was able to get him in custody. Officers used control holds, but other than the dog no other force was utilized.

INTERVIEWS:

Officer Reed Garrity and Interview

Off. Reed stated at 1426 after being read his Garrity that upon hearing 3 officers getting dispatched to a warrant on Grace St., he looked up the notes and recognized the individual as Calvin Wesley—a subject he had previous history with that had fought him extensively when being placed into custody. He knows Wesley to be extremely strong and violent toward law enforcement, so he joined the officers to assist. He passed this experience on to the other officers and they made a plan to meet around the corner on Franklin Street and approach on foot to Wesley's purported location. As they approached, Reed observed Wesley getting into a pickup truck so he ran to the location, opened the passenger side door, and informed Wesley that he had a warrant for his arrest and to exit the vehicle. He ordered Wesley to put his hands up on the side of the truck which he did not do and was continually argumentative toward Reed and other officers. Officers Bryant and T. Hall began to put him in custody and Reed observed Wesley continue to struggle. They kept him in the V of the passenger-side door jamb to limit his ability to escape on taking Wesley's safety into consideration as they were on the side of the road. Reed stated that Wesley tried to go back into the vehicle and then even tried to escape by pushing past Officer Hall away from the vehicle. Officer Reed gave Wesley a K9 warning that if he continued to resist he would deploy his dog. After 30-40 seconds of actively struggling against the officers, Wesley ended up breaking free with his right arm and striking Officer Reed on the top of his left hand. At that point, Reed deployed K9 Knox and gave him the bite command. K9 Knox remained attached to Wesley's right buttocks until they got him to the ground and continued giving verbal commands to submit his right arm to be handcuffed. After he submitted, Officer Reed called off K9 Knox from the bite. The dog came off from a verbal command not a lift-off. They then called for medics to respond to treat any injuries Wesley may have obtained from the bite.

Officer T. Hall Garrity and Interview

Off. Hall stated at 1455 after being read his Garrity that they received a call to respond to 1927 Grace Street for a wanted subject, Calvin Wesley, who was on scene. Knowing Wesley's history of violence toward police, he called for an additional unit. Upon getting in the area, Officer Hall observed Wesley on the sidewalk getting into a silver Toyota Tundra. They ran down the street, made contact with Wesley and ordered him to exit the vehicle and to put his hands on the vehicle. After several instructions to do this, he finally complied. They informed him he had a warrant and was under arrest and had a warrant. Wesley attempted to pull his arms free and was informed multiple times to stop resisting and put his hands behind his back. At that point, they had to get him in handcuffs so Officer Hall removed one of his hands to obtain his handcuffs and Wesley began bringing his arm up to get out of his grip. Officer Hall used his left hand and manipulated Wesley's mastoids on the left side of his face and was able to get Wesley's arm back under control. While they were attempting multiple times to join both hands together in the rear for handcuffing, Officer Reed introduced K9 Knox and Wesley was taken to the ground to be placed in cuffs. Hall recalls Reed stating that he had a police K9 and if he didn't stop the dog was going to bite him. Immediately upon being placed in handcuffs on the ground, Wesley was placed in a recovery position and medics were called to the scene immediately to administer first aid. Other than using a control hold, Officer Hall stated that he did not strike or punch Wesley at all to place him into custody.

Officer McLeod Garrity and Interview

CONFIDENTIAL

Off. McLeod stated at 1401 after being read his Garrity that as he pulled up, they were already wrestling with Wesley on the passenger side of the pickup truck. When McLeod got there, he saw Officer Bryant and Officer T. Hall struggling with Wesley who was pushing back and forth. He waited to see if they needed assistance. He noticed that the handcuff was only secure on the left hand. Officer McLeod saw that Officer T. Hall did not have control of the wrist, so McLeod put Wesley in a key lock to assist with getting the handcuff onto the right wrist. He does not recall the specific phrasing the officer used to introduce the police K9 but he did hear that the dog was being introduced. He went hands off at that point and eventually assisted with putting Wesley in leg shackles.

Officer Bryant Garrity and Interview

Off. Bryant stated at 1410 after being read his Garrity that he went to Grace St. to assist officers with a warrant service on Calvin Wesley for Assault & Battery. Upon getting there, two officers saw him getting in a vehicle. They ran down the sidewalk and began talking to him—informing him he had a warrant for his arrest. Initially, Wesley complied with their commands when told to put his hands behind his back. Bryant controlled his left arm with a key lock but as Wesley began to pull away from them, Bryant ended up in the door jamb of the open truck door on the passenger side. Bryant felt he had a good hold but Wesley continued to pull away and even use Officer Bryant for leverage to get away from Officer T. Hall. Bryant observed Wesley's right arm flail out from him but then they got the arm back behind his back. Upon doing that, the K9 was introduced and Wesley was taken to the ground. He continued to resist arrest by pulling away. He continued to try to secure the handcuff and assist Officer T. Hall with handcuffing the right arm. He never struck Wesley at all. Officer Bryant doesn't remember specifically what Officer Reed's instructions were as he was focused on Wesley the entire time who was yelling about his warrant. Officer Bryant stated that Wesley never once complied with verbal instructions until handcuffed on the ground

Lieutenant Smith Interview of Witness (Perkins) and Suspect (Mr. Wesley)

Mr. Wesley: Stated that the dog bit him for no reason and that he gave his hands to the officers the whole time. He stated that officers asked him if he was Calvin to which he said he was. He stated that he told the officers to tell him what the charges were first. He then said he had his hands behind his back the entire time.

[NOTE: This interview took place during and after Mr. Wesley's treatment by LFD personnel for his injuries. All officers were polite and remained professional—not responding to Mr. Wesley's emotional accusations. Additionally, they made numerous efforts to provide him a more comfortable position to either be seated or lean on a fence.]

He continuously repeated that he had his hands behind his back while he was standing and then they released the dog. He stated that nobody said anything prior to the dog biting him. He stated that he got out of Ms. Perkins' vehicle. LT Smith then directed his interview to her on the front porch.

Ms. Perkins: Stated that she was in the car with Mr. Wesley when this occurred. She stated that she heard the officers state that Mr. Wesley had a warrant for his arrest. When Mr. Wesley asked "for what?", she stated that an officer said "well, you don't need to know". She stated that it was too excessive.

FINDINGS:

After watching all on-scene video and viewing each officer's video interview under Garrity, I believe that all officers acted in accordance with their training.

Officer Reed/K-9 Knox and Officer T. Hall interdicted Mr. Wesley first, followed by Officer Bryant. Officer Reed observed Mr. Wesley getting inside a dark pickup truck and the brake lights can be seen on BWC as being illuminated. He approaches the passenger side door, opens it, and states "Calvin, step out of the car. You've got a warrant for your arrest." Mr. Wesley exits the truck and states "for what?". He is told again to step out of the car and it can be seen on BWC footage that Officer Reed is pointing at the back-passenger door as Mr. Wesley is being ordered to put his hands on the truck. He continuously asks for the officers to clarify what the warrants are for and not comply with verbal orders to put his hands on the truck. Once he finally does, officers move in to put him in a key-lock for handcuffing. As [Officers Bryant & T. Hall] put their hands on Mr. Wesley's hands, it is obvious in Off. Bryant's bodycam that Mr. Wesley takes a step back toward the open car door rotating his body as he moves. Officer Bryant immediately closes the distance and pins him with the assistance of Officer T. Hall against the open car door. From this point forward, Mr. Wesley continues active resistance of being placed in custody. At 01:33 of Officer T. Hall's body camera, it is evident that Mr. Wesley is pulling his left arm toward the front of his body and not putting it behind his back as he is repeatedly ordered to do so by Officer Bryant. Officer Bryant actually steps up on the side of the truck to get a better angle. At this time, Officer Reed gives verbal commands to Mr. Wesley as follows:

"If you don't stop fighting, the dog is going to bite you. Calvin! If you keep fighting, the dog is going to bite you."

Unable to release what he has, Officer Bryant asks for handcuffs. At this point, Officer Bryant is able to secure one handcuff to Mr. Wesley's left wrist while Wesley is still actively resisting the officers. At 02:07 on Officer Reed's BWC, it is clear that Mr. Wesley pulls his left elbow to the sky while Officer Bryant is trying to maintain control on the handcuffed arm and rotates at his waist toward Officer Bryant and his elbow can now be seen higher than Officer Bryant's badge. [It should be noted that Officer Bryant is standing on the truck's step bar when this is happening which gives a perspective of how much physical resistance Wesley is exerting.] Multiple officers instruct Wesley to "stop fighting". Officer McLeod has a control hold on Mr. Wesley's right wrist and when Mr. Wesley really starts to struggle, Off. McLeod attempts pain compliance which only seemed to encourage Mr. Wesley to fight more. At this time, Officer Reed gives commands to his canine and K9 Knox bites Mr. Wesley on the buttocks. All officers move the struggle toward the sidewalk and direct Mr. Wesley to the ground where Officer command three more times for Mr. Wesley to "give us your hand". Officer Reed gives K9 Knox commands to come off the bite. At this point, officers are successful in getting the second handcuff on Mr. Wesley's right wrist where he is now secure. Within seconds, Officer T. Hall can be heard telling other officers to "roll him on his side". The witness, Ms. Perkins, asks Officer Reed what is happening and he immediately tells her that they have a warrant for his

CONFIDENTIAL

arrest. When she inquires further, he informs her that they do not need to explain that to her and reiterates that they have a warrant for Mr. Wesley’s arrest. Officer Bryant asks Mr. Wesley (once shackled) if they can sit him up against the fence so he could relax and he complies.

It is audible on all Body-Worn Cameras that Mr. Wesley was informed he was under arrest. Additionally, he was warned that a police canine would bite him if he did not stop fighting the officers. Once he finally was handcuffed, officers made every effort to get him off his stomach and onto his side and then soon-thereafter in a seated position against the fence—so he could relax. This was not excessive force. All officers on scene communicated the active arrest warrant, directed him to place his hands behind his back, ordered him to stop fighting, warned him of a possible bite by a police K9, and made continual direction to place his hand behind his back. Once he was handcuffed and secured, officers made every effort to get him back into a safe position where he could calm down, breathe, and relax. Additionally, medics were called to the scene immediately to treat his wounds. Prior to their arrival, Mr. Wesley asked Officer Bryant to help him get debris out of his eyes which he immediately did by using Mr. Wesley’s shirt. When Mr. Wesley informed them that the handcuffs were hurting his wrists, Officer Bryant was patient and adjusted the handcuffs for him. Based on my investigation of this incident, I find any claim by Wesley of excessive use of force to be without merit and unfounded.

RECOMMENDATIONS:

I recommend that no action be taken against any officer on scene for this use of force. All officers utilized the lowest level of force available as dictated by Calvin Wesley who was refusing to comply with officers commands.

Incident Location

Addresses

Latitude, Longitude = [37.40305, -79.14039]
1927 Grace Street, Lynchburg, VA, 24504

- Location of Occurrence: Lynchburg

Use of Force Details

Reason For Using Force	Service Being Rendered	More Than 1 Citizen Involved
Effecting Arrest	Effecting Arrest	No
Weather Condition	Light Condition	Distance to Citizen
Clear/Cloudy	Daylight	0 to 1 Foot
Citizen Injured	Citizen Hospitalized	Citizen Arrested
Yes	Yes	Yes
Citizen Build	Citizen Height	Citizen Influence Assessment
201-300 Lbs	5'7" to 5'9"	Sober
Officer(s) Injured	Officer(s) Taken to Hospital	
No	No	

Reporting/Involved Citizen

Calvin Lee Wesley

Date of Birth: [REDACTED] Race: Black Ethnicity: Black or African American Gender: Male

Addresses [None Entered]

Phone Numbers [None Entered]

Role: Offender

Additional Snapshot Data

Homeless at time of involvement	Perceived Limited English	Primary Language
No	No	English
Sexual Orientation	Gender Expression	Experiencing Mental Crisis (Officer Assessment)
N/A	N/A	No

CONFIDENTIAL

Experiencing Mental Crisis (Self Reported)

Armed at Time of Incident

No

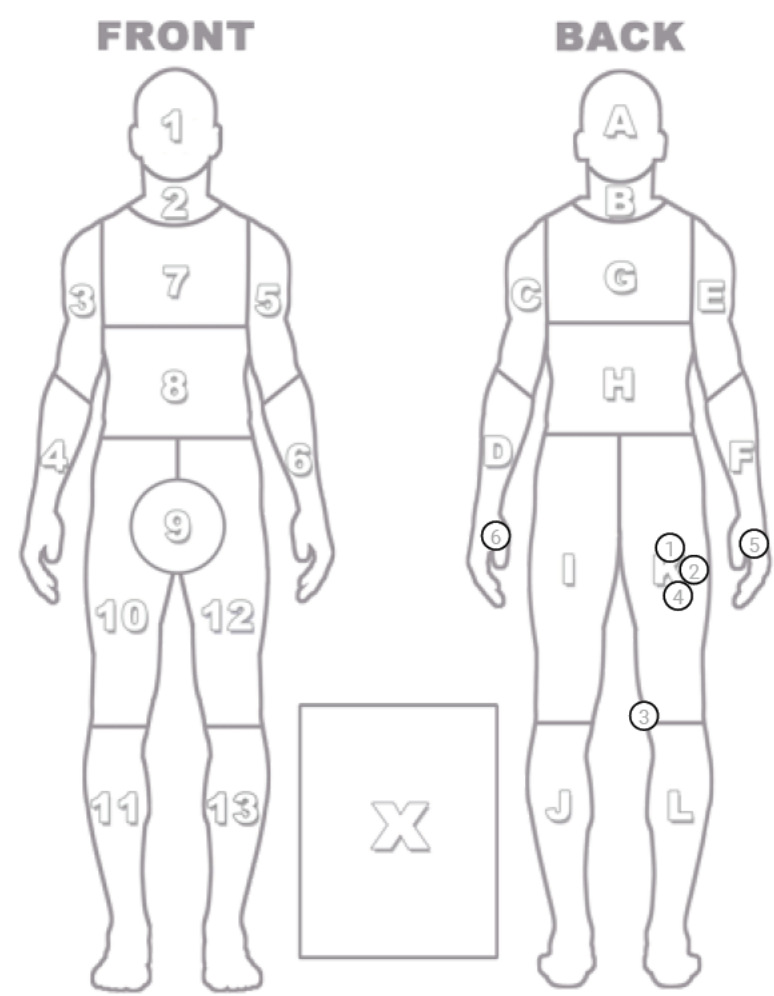
No

Type of Resistance Citizen Used Against Officer

- Resisting Arrest

Injuries Sustained By Citizen

Injury	Region	Injury Location
*Admitted to Hospital	K, K, K, K, F, D	1, 2, 3, 4, 5, 6



Charges Against Citizen

- Resisting Arrest
- Assault & Battery
- Assault LEO

Incident Officers

Police Officer 3 Seth Reed - 1379

Assignment at time of incident: Police Officer 3 Field Operations Bureau/Platoon B/Platoon B 200// Video Footage: BWC Utilized
Role: Primary

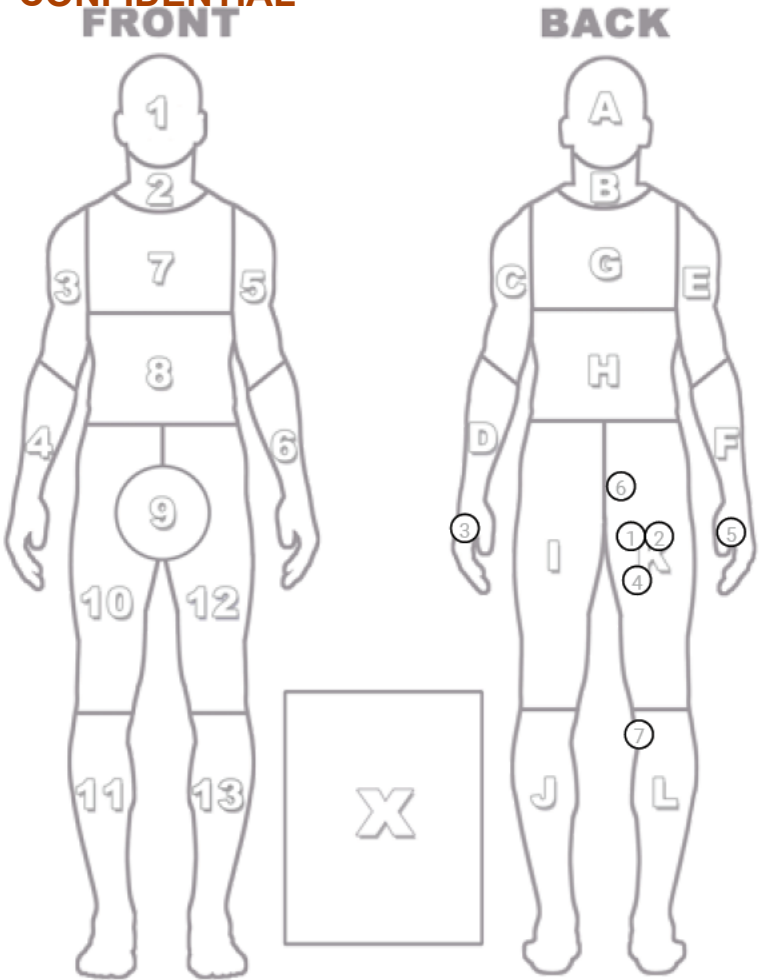
Force used by this Officer against Citizen

- K-9 Release-With Bite - Force Effective: Yes

Less lethal force used by this Officer against Citizen

Force Used	Force Effective	Region	Point of Contact
K-9 Release-With Bite	Yes	K, K, D, K, F, K, L	1, 2, 3, 4, 5, 6, 7

CONFIDENTIAL



Injuries Sustained By Officer

Injury	Region	Injury Location
No injuries noted or visible		

Citizen Witnesses

Bernice L Perkins

Date of Birth: [REDACTED] Race: Black Ethnicity: Unknown Gender: Female

Role: [None Entered]

Addresses

2309 Poplar Street, Lynchburg, VA, 24504

Phone Numbers

(434) 439-6716

Officer Witnesses

Police Officer 2 Collin Bryant - 1442

Assignment at time of incident: Police Officer Field Operations Bureau/Platoon B/Platoon B 200//

Video Footage: BWC Utilized

Role: Assisting

Police Officer 3 Thomas Hall - 1308

Assignment at time of incident: Police Officer 3 Field Operations Bureau/Platoon B/Platoon B 100//

Video Footage: BWC Utilized

Role: Assisting

Police Officer Micah Mcleod - 1473

Assignment at time of incident: Police Officer Field Operations Bureau/Platoon B/Platoon B 200

Video Footage: BWC Utilized

Role: Assisting

CONFIDENTIAL
Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

Date Attached	Attachment Description	Attachment Types
03/11/2021	Interview with Officer Reed	
03/11/2021	Interview with suspect (Wesley) and Witness (Perkins)	
04/27/2021	2021003502_warrant_obstruct	pdf
03/11/2021	thumbnail_IMG_9867	jpg
03/11/2021	thumbnail_IMG_9865	jpg
04/07/2021	BWC - Officer McLeod	
03/11/2021	Interview with Officer Mcleod	
03/11/2021	Interview with Officer T. Hall	
03/11/2021	thumbnail_IMG_9863	jpg
03/11/2021	thumbnail_IMG_9866	jpg
04/07/2021	BWC - Officer T. Hall	
03/11/2021	thumbnail_IMG_9864	jpg
04/27/2021	Incident Report (2021-003502)	pdf
03/11/2021	Interview with Officer Bryant	
03/11/2021	thumbnail_IMG_9861	jpg
04/07/2021	BWC - Officer Bryant	
04/27/2021	2021003502_warrant_A-B_LEO	pdf
04/07/2021	BWC - Officer Reed	
03/11/2021	thumbnail_IMG_9862	jpg

Assignment History

Date/Time Sent	From	To	Activity
03/12/2021 13:24	Cap N Leger		Field assigned
04/06/2021 18:55	Cap N Leger		Field assigned
04/07/2021 15:59	Ser T Rodes		Field status changed in IAPro from In chain to Released
04/07/2021 15:59	Ser T Rodes		Released back to IAPro
04/07/2021 16:01	Ser T Rodes		Field status changed in IAPro from Released to Field assigned
04/07/2021 16:01	Ser T Rodes	Lieutenant Lucas Bryan	IAPro assigned
08/23/2021 09:42	Ser J Romano		Field assigned
10/01/2021 09:43	Lie J Hinkley		Field assigned
11/24/2021 08:53	Lie J Hinkley		Field status changed in IAPro from Completed - review pending to Released

Chain of Command History

Routing Number: 1	
From	Lieutenant Brian Smith
To	Captain Nicholas Leger
Cc:	
Date/Time Sent	03/11/2021 15:30
Instructions From [Lieutenant Brian Smith] To [Captain Nicholas Leger]	
For your review sir	
Comments/Response From [Captain Nicholas Leger]	
Incident routing was closed out by IAPro user Captain Nicholas Leger and the incident was re-routed to Lieutenant Brian K Smith [032]	
Routing Number: 2	
From	Captain Nicholas Leger
To	Lieutenant Brian Smith
Cc:	
Date/Time Sent	03/12/2021 13:24
Instructions From [Captain Nicholas Leger] To [Lieutenant Brian Smith]	
Hey Brian, did the officers listed under "involved officers", other than Seth, actually apply force that would be classified as a use of force by the directive? If not, they will need to be deleted and then added to the witness section. Either way, once you are done, please forward it back to me. Please call Todd if you have any questions.	
Comments/Response From [Lieutenant Brian Smith]	
Officers McLeod, Bryant, and Hall only used control holds and did not apply any other UoF.	
Routing Number: 3	
From	Lieutenant Brian Smith
To	Captain Nicholas Leger
Cc:	
Date/Time Sent	04/05/2021 01:01
Instructions From [Lieutenant Brian Smith] To [Captain Nicholas Leger]	
Corrections made as requested sir.	
Comments/Response From [Captain Nicholas Leger]	
Incident routing was closed out by IAPro user Captain Nicholas Leger and the incident was re-routed to Lieutenant Lucas E Bryan [034]	

CONFIDENTIAL**Routing Number: 4**

From	Captain Nicholas Leger
To	Lieutenant Lucas Bryan
Cc:	
Date/Time Sent	04/06/2021 18:55

Instructions From [Captain Nicholas Leger] To [Lieutenant Lucas Bryan]

Please see the assigned UOF investigation. Thanks.

Comments/Response From [Lieutenant Lucas Bryan]

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Sergeant Todd Rodes

Routing Number: 5

From	Sergeant Todd Rodes
To	Lieutenant Lucas Bryan
Cc:	Captain Nicholas Leger
Date/Time Sent	04/07/2021 16:01

Instructions From [Sergeant Todd Rodes] To [Lieutenant Lucas Bryan]

Luke,
Please see if this helps. I will try one more thing if not. Thank you!

Comments/Response From [Lieutenant Lucas Bryan]

Investigation Complete. No further Recommendation added.

Routing Number: 6

From	Lieutenant Lucas Bryan
To	Lieutenant Brian Smith
Cc:	
Date/Time Sent	04/27/2021 11:37

Instructions From [Lieutenant Lucas Bryan] To [Lieutenant Brian Smith]

I have recommended no further action for your officers. Please review and forward to CPT Black.

Comments/Response From [Lieutenant Brian Smith]

I agree with Lt Bryan's recommendation of no further action.

Routing Number: 7

From	Lieutenant Brian Smith
To	Captain Daniel Black
Cc:	
Date/Time Sent	07/18/2021 21:03

Instructions From [Lieutenant Brian Smith] To [Captain Daniel Black]

CONFIDENTIAL

for your review sir

Comments/Response From [Captain Daniel Black]

Brian, please have the original warrant attached as well. Also, mention in the summary what the warrant was for (it was listed in the notes of the call, for A&B on a family member). Please see me about this as well before sending it back to me.

Thanks

Routing Number: 8

From	Captain Daniel Black
To	Lieutenant Brian Smith
Cc:	
Date/Time Sent	07/27/2021 15:21

Instructions From [Captain Daniel Black] To [Lieutenant Brian Smith]

See comments. Thanks

Comments/Response From [Lieutenant Brian Smith]

Sgt Romano to add copy of warrant to this.

Routing Number: 9

From	Lieutenant Brian Smith
To	Sergeant John Romano
Cc:	
Date/Time Sent	08/19/2021 23:07

Instructions From [Lieutenant Brian Smith] To [Sergeant John Romano]

John, per our conversation please attach the original warrant. I edited the summary to include what Captain Black was looking for.

Thanks.

Comments/Response From [Sergeant John Romano]

Incident routing was closed out by IAPro user Sergeant John Romano and the incident was re-routed to Captain Daniel W Black [011]

Routing Number: 10

From	Sergeant John Romano
To	Captain Daniel Black
Cc:	
Date/Time Sent	08/23/2021 09:42

Instructions From [Sergeant John Romano] To [Captain Daniel Black]

For your review this should have been routed back to you by Lt. Smith.

Comments/Response From [Captain Daniel Black]

I agree with the findings and recommendations of this investigation. Please review.

CONFIDENTIAL

Routing Number: 11

From Captain Daniel Black

To Major Kennith Edwards

Cc:

Date/Time Sent 09/03/2021 12:43

Instructions From [Captain Daniel Black] To [Major Kennith Edwards]

For your review.

Comments/Response From [Major Kennith Edwards]

Reviewed and approved. as Acting Chief of Police.

Routing Number: 12

From Major Kennith Edwards

To Professional Standards

Cc:

Date/Time Sent 09/03/2021 14:16

Instructions From [Major Kennith Edwards] To [Professional Standards]

Reviewed and approved. as Acting Chief of Police.

Comments/Response From [Professional Standards]

Incident routing was closed out by IAPro user Lieutenant Joel Hinkley and the incident was re-routed to Lieutenant Brian K Smith [032]

Routing Number: 13

From Lieutenant Joel Hinkley

To Lieutenant Brian Smith

Cc:

Date/Time Sent 10/01/2021 09:43

Instructions From [Lieutenant Joel Hinkley] To [Lieutenant Brian Smith]

A couple modifications are needed before we can close this out. Please call me and I will share what needs to be done. Thanks, Joel

Comments/Response From [Lieutenant Brian Smith]

LT,

See the email I sent you regarding requested changes.

Thanks.

Routing Number: 14

From Lieutenant Brian Smith

To Lieutenant Joel Hinkley

CONFIDENTIAL

Cc:

Date/Time Sent

11/08/2021 17:17

Instructions From [Lieutenant Brian Smith] To [Lieutenant Joel Hinkley]

see notes

Comments/Response From [Lieutenant Joel Hinkley]

[None Entered]

Assigned Investigator Signature Line

Lieutenant Lucas Bryan - 1171

Chain of Command Signature Lines

Lieutenant Lucas Bryan

Chain of Command Signature Lines

Captain Daniel Black

Chain of Command Signature Lines

Lieutenant Brian Smith

Chain of Command Signature Lines

Lieutenant Brian Smith

Chain of Command Signature Lines

Lieutenant Joel Hinkley

Chain of Command Signature Lines

Lieutenant Lucas Bryan

Chain of Command Signature Lines

Sergeant John Romano

Chain of Command Signature Lines

Captain Nicholas Leger

Chain of Command Signature Lines

Lieutenant Brian Smith

Chain of Command Signature Lines

Captain Nicholas Leger

Chain of Command Signature Lines

Lieutenant Brian Smith

Chain of Command Signature Lines

Major Kennith Edwards

Chain of Command Signature Lines

Captain Daniel Black